

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-2, 8, 12, 15-16 and 20-21 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicant respectfully requests the Examiner to accept the proposed amendments. Claims 3-5, 7, 9-10, 13-14, 17-19, 22-24 and 26 have been previously cancelled. New claim 27 has been added. Therefore, claims 1-2, 6, 8, 11-12, 15-16, 20-21 and 25 are now are presented for examination.

### 35 U.S.C. § 103 Rejection

Claims 1-2, 6, 8, 11-12, 15-16, 20-21 and 25 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Scott Corey Miller, U.S. Patent No. 6,421,707 (“Miller”) in view of Pamela Sue Austin, U.S. Patent No 6,157,924 (“Austin”).

Applicant respectfully submits that Miller discloses “[a] *wireless multimedia messaging* communications method and apparatus that permits a subscriber to a wireless telecommunications service to *receive and generate multimedia messages from known wireless personal communications devices*.” (Abstract; emphasis provided).

Austin discloses a “computer program product for *delivering information to a user in one or more preferred delivery media*. Preferred delivery media includes . . . e-mail, HTML, fax, printed copy, and mail.” (Abstract; emphasis provided).

In contrast, claim 1, in pertinent part, recites that “the predetermined criterion includes one or more of a sender’s name, a subject line, a size, and a time of arrival.” (emphasis provided). Applicant submits that neither Miller nor Austin teach or reasonably suggest that “the predetermined criterion includes one or more of a sender’s

name, a subject line, a size, and a time of arrival” as recited by claim 1. (emphasis provided). Therefore, Miller and Austin when combined, in any combination would not teach or reasonably suggest the feature. Accordingly, Applicant respectfully requests that the rejection to claim 1 and its dependent claims be withdrawn.

Claims 8, 15 and 20 includes limitations similar to those of claim 1. Thus, Applicant respectfully requests the withdrawal of the rejection of claims 8, 15 and 20 and their dependent claims.

### **New Claim**

New claim 27 depends from independent claim 15, and thus includes all the limitations of the base claim from which it depends. Accordingly, Applicant submits that claim 27 is in proper condition for allowance.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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